



State of California
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Inquiry: 1) Can a RCP practice under a Medical Device Retailer License? 2) Can a RCP practice, on their own, in a home care setting? 3) What is meant by the term "Home Health Care"? 4) Does the Medical Director have to be in the state of California and/or licensed in the state of California?

Responses: 1) Yes, an RCP practicing under a Medical Device Retailers License as long as the Medical Device Retailer has a medical director that provides the appropriate supervision to the practitioner. The detail surrounding this statute is located in section 3702 of the practice act.

2) Yes, an RCP practice, on their own, in the home care setting as long as those home care agencies or companies have the appropriate medical direction in place. The detail surrounding this statute is located in section 3702 of the practice act.

3) The meaning of "Home Health Care" is not specifically defined in the Respiratory Care practice act. However, the act refers to an organized health care system, which is not limited to health facilities pursuant to Chapter 2 (commencing with section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

4) The specifics of what requirements are necessary for a medical director and their physical and/or license location are not specifically defined in the practice act. However, Title 22 contains specific language that references medical director requirements for different facilities. I would recommend either referring to their statutes or contacting them directly for a specific ruling on this question.

Reference # 2002-C-08